

KEITH H.S. PECK 6825-0
3360 Kamaaina Place
Honolulu, Hawaii 96817
Telephone: (808) 384-7325
Facsimile: (808) 595-7146
E-Mail: lawcenterhawaii@aol.com

Attorney for Plaintiffs-Appellants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

GT. individually and on behalf of his
minor child, T.T.,

Plaintiffs-Appellants,

vs.

STATE OF HAWAII, DEPARTMENT
OF EDUCATION and KATHRYN
MATAYOSHI, in her official capacity
as Superintendent of the Hawaii Public
Schools,

Defendants-Appellees.

Civil No. _____
(Other Civil Action)

**PLAINTIFFS-APPELLANTS
COMPLAINT; SUMMONS IN A
CIVIL MATTER**

COMPLAINT

Plaintiff-Appellants G. T., individually and on behalf of his minor child, T.T., (“Student” or collectively “Appellants”) by and through their attorneys, hereby allege and aver as follows:

I. INTRODUCTION

1. On August 21, 2013, an administrative hearing was settled pursuant to the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. §§1400, *et seq.*; 34 C.F.R. 300.1, *et seq.*; Hawaii Administrative Rules (“HAR”) Chapter 8-60; and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 regarding Plaintiffs-Appellants allegations.
2. After settlement, Hearings Officer Richard A. Young issued a withdrawal of the matter DOE-SY1213-051 on August 27, 2013.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction in this action pursuant to 20 U.S.C. § 1415(i)(2) and H.A.R. § 8-60-70(a).
4. This action arose in the District of Hawaii, and venue is proper in Hawaii.

III. PARTIES

5. Plaintiff-Appellants T.T. and G.T. are residents in the City and County of Honolulu, State of Hawaii. G.T. is the natural parent of T.T., who is a minor born on February 07, 2005 and who has been certified as eligible for special education in the State of Hawaii, and is entitled to a free appropriate public education (“FAPE”) under the IDEA, 20 U.S.C. sec. 1401 et seq.
6. Defendant-Appellee is Department of Education, a political subdivision and the educational agency of the State of Hawaii, which implements the State’s Special Education Program pursuant to the IDEA, and Kathryn Matayoshi, who is sued in her official capacity as the superintendent of the Hawaii Public Schools or DOE. The DOE is a political subdivision of the State of Hawaii, which implements the State’s special education programs pursuant to the IDEA.
7. Plaintiff-Appellants are aggrieved by the Administrative Hearings Officer’s Findings of Fact, Conclusions of Law and Decision of April 24, 2012.

IV. FACTUAL ALLEGATIONS

8. Plaintiffs-Appellants are entitled to reasonable attorneys’ fees and costs under the settlement agreement between the parties, in this matter.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff-Appellants pray that this Court find and order as follows:

9. Receive and review the records of the administrative hearing which was the subject of the decision;
10. Hear additional evidence as requested by Plaintiff-Appellants;
11. Uphold the settlement agreement in this matter;
12. Order the Defendant-Appellees to pay attorney's fees related to Plaintiff-Appellants' claims brought under the IDEA for the administrative proceeding and this agency appeal under applicable law; and
13. Grant such other relief deemed just and necessary by this court.

DATED: Honolulu, Hawaii, August 28, 2015.

s/ Keith Peck
KEITH H.S. PECK
Attorney for Plaintiffs-Appellants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

G. T. individually and on behalf of his
minor child, T.T.,

Plaintiffs-Appellants,

vs.

STATE OF HAWAII, DEPARTMENT
OF EDUCATION and KATHRYN
MATAYOSHI, in her official capacity as
Acting Superintendent of the Hawaii
Public Schools,

Defendants-Appellees.

Civil No. _____
(Other Civil Action)

SUMMONS IN A CIVIL MATTER

SUMMONS IN A CIVIL MATTER

TO THE DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon
Plaintiffs-Appellants' counsel, KEITH H.S. PECK, whose address is: Pioneer
Plaza, 900 Fort Street Mall, Suite 1140 Honolulu, Hawaii 96813, an answer to the
Complaint which is attached. This action must be taken within twenty-one (21)
days after service of this summons upon you, exclusive of the date of service.

This summons shall not be personally delivered between 10:00 p.m.
and 6:00 a.m. on premises not open to the general public, unless a judge of the

above-entitled court so permits in writing on this summons personal delivery during those hours.

If you fail to make your answer within the twenty-one (21) day time limit, judgment by default will be taken against you for the relief demanded in the Complaint.

DATED: Honolulu, Hawaii, _____.

CLERK OF THE ABOVE-ENTITLED COURT